

EXHIBIT D

Anger in East Flatbush Persists Over Teenager's Killing by the Police

By J. David Goodman

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First came the shooting: an armed teenager killed by police officers on a darkened Brooklyn street.

Then came the anger: a Monday evening vigil marred by an unruly young mob thrashing its way through local businesses; a second protest the next night; and another on Wednesday night, after which, the police said, someone hit an officer in the face with a brick, another brick was thrown through the window of a police van, and there were 46 arrests — mostly for disorderly conduct. Two officers suffered minor injuries.

By the time an autopsy of the 16-year-old was released Wednesday, the tension in East Flatbush could be measured in the silently flashing lights of squad cars parked at tight intervals along Church Avenue.

For some, the sight of extra police officers meant a potential reprieve in an area troubled by crime. For others, it was anything but reassuring.

The police said that two plainclothes officers fatally shot the teenager, Kimani Gray, just before 11:30 p.m. on Saturday after he brandished a revolver and pointed it at them. The police commissioner, Raymond W. Kelly, said Tuesday that the police had interviewed three witnesses, “two of which say that the officers said, ‘Don’t move.’ ”

“Another witness said an officer says, ‘Freeze,’ ” he said. The officers then fired 11 shots, the police said.

Seven bullets hit Mr. Gray, including three that entered his body from the rear, according to the New York City Office of the Chief Medical Examiner.



On Monday, a crowd at East 52nd Street and Church Avenue formed a vigil. Michael Nagle for The New York Times

The autopsy did not establish the order in which the bullets struck Mr. Gray, or determine the path of the bullets, which might make clearer if Mr. Gray had his back to the officers when he was shot, or if he had twisted away after being struck from the front.

But the findings, inconclusive though they were, appeared likely to heighten the tensions of a community already distrustful of the police and increasingly incensed about the shooting of the teenager.

On Wednesday night, about 200 people attended the vigil. The gathering became unruly when about half of them splintered off and marched to a nearby police precinct station house. After officers in riot gear set up a roadblock on Church Avenue, Mr. Gray's sister Mahnefah tried to cross the street and was put into a police car. She was given a summons and released. Some of the protesters shouted, "That's the sister," then started throwing bottles when the police would not release her. Someone hurled a chair. Screams could be heard as skirmishes broke out on side streets.

For local residents, many of whom voiced skepticism about the official account, the situation surrounding Mr. Gray's death was grimly familiar. Less than a year before, and only blocks away, a narcotics detective shot and killed an unarmed 23-year-old woman, Shantel Davis, as she tried to flee the police in a car that had been reported stolen at gunpoint, the police said at the time.

Vigils followed that shooting as well. But soon the rhythms of daily life returned, marked by what young men and women said was a daily backbeat of police stops.

"You try to put it out of your mind," said Ms. Davis's sister Crystal.

In interviews around East Flatbush, many spoke of a Police Department that, in its aggressive pursuit of gangs and informal criminal crews, had sown distrust, especially among young men and women, who feel that their encounters with officers often have racial overtones.



Kimani Gray

At a barbershop along Church Avenue, two men on Tuesday were discussing the recent shooting when an Asian delivery cyclist pulled onto the sidewalk across the street. "See that guy?" said Elverton Thomas, 39, a black man and telemarketer who was there for a haircut. "He can ride on the sidewalk. We can't."

His barber, Julian Clark, also black, concurred. Two years before, he said, an officer stopped him in front of the shop for sidewalk riding, and then arrested him after the officer said his identification had expired; he spent a day in custody sorting it out, he said.

"They have a hard time because there's a lot of crime in the neighborhood," he said of the police. "But when they play hardball, they end up going after innocent people, too."

The seemingly constant presence of the police in the lives of many youths — both on the street and, increasingly, monitoring conversations on social media — has left many feeling suffocated, said Shanduke McPhatter, 35, an ex-gang member who works with young men in the neighborhood. "I understand the state of mind that these youths have," he said. "The problem is there is no relationship with the police."

At the same time, he said, the situation on the streets has grown more complex for law enforcement: gangs are less organized, replaced instead by informal crews with few requirements and in which leadership is frequently up for grabs among increasingly young members.

“The police say, ‘Look at these kids, they’re wild,’ ” Mr. McPhatter said. “And then they use that as an excuse to be wild themselves.”



City Councilman Jumaane D. Williams, third from left, with Brooklyn residents as the Rev. Terry Lee led them in a prayer on Monday for Kimani Gray, at East 52nd Street and Church Avenue. Michael Nagle for The New York Times

The Rev. Terry Lee, who runs a local youth ministry and acts as a liaison to the police, said many of the neighborhood shootings involved “kids killing kids” and lamented that the community did not rise up more frequently in anger over those shootings. But he said he understood why. “The community we’re living in can get dangerous at times,” he said. “People are afraid of retaliation.”

Mr. Lee said the local 67th Precinct had grown more open to the community in recent years. “The problem is, people still don’t want to go to the police,” he said.

The autopsy report on Mr. Gray did not specify which of the seven bullets caused the death of the teenager; that determination awaits further investigation.

One bullet entered his left shoulder in the rear; two other bullets struck the back of his thighs, one in the left thigh and one in the right. Two bullets struck from the front, hitting his right thigh; one bullet entered his left side, striking his lower rib cage; and the last bullet hit his left lower forearm.

John C. Cerar, the former commander for firearms training at the Police Department, said many factors could explain the wounds to the front and back of Mr. Gray’s body.

“Most of the time, it’s the person making a turn, or the position of the officers,” he said, or some combination of the two. Once that person has a gun, he said, the threat to the officers is imminent.



A demonstrator was arrested during an East Flatbush march on Wednesday. Michael Nagle for The New York Times

Mr. Gray's revolver was loaded with four bullets, the police said.

Mr. Kelly, the police commissioner, said Tuesday that there was "nothing to indicate that this shooting was outside the guidelines." Mr. Cerar concurred, saying, "Under the reported circumstances, it appears to be a good shooting."

But raw feeling in the neighborhood fueled accounts at wide variance with that provided by the police. Some said Mr. Gray, while armed, did not point the gun; others said they had heard that there had been no gun at all, or that his hands had been in the air. A family friend, Kevin Blacks, 33, said he was not surprised that the autopsy had found that Mr. Gray had been shot so many times or hit from behind.

He said he had spoken to Mr. Gray's parents. "The dad is shook," Mr. Blacks said, standing by a makeshift memorial for Mr. Gray. "He doesn't sleep. He doesn't talk. He's still in a dream."

Local elected officials and clergy members, seeking to lower the temperature in the neighborhood, mostly did not issue new statements Wednesday.

"Our focus right now is to get the funeral service together," said Gilford T. Monroe, a local pastor and community leader who is working with the family on the service; a date had yet to be set, he said.

On Tuesday, police investigators could be seen inside a Rite Aid store where, the night before, a group of at least three dozen mostly young people briefly rampaged through the aisles, turning over displays and assaulting one customer who tried to intervene. The police released store surveillance video and later announced the arrest of a 19-year-old, saying he was one of three who hit the customer and took his cellphone.

"Nothing justifies that," Mr. Kelly said. He said at a City Council hearing on Tuesday that the violence had been caused by a disorderly group that broke away from the vigil and did not constitute a riot, as some had termed it.

"That belittles it," City Councilman Jumaane D. Williams said later, referring to the community anger after the police shooting. "So now we're going to wait for something worse, for something that meets the true definition of a riot?"